IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1052 OF 2004
IN
SUIT NO.1581 OF 2004

ALONGWITH

CHAMBER SUMMONS NO.1053 OF 2004
IN
SUIT NO.1629 OF 2004

Anwar Qureshi ..Plaintiff.

Vs.

The Municipal Corpn.
of Greater Mumbai ..Defendants.

And

Abdul Q. Farooqui & Anr. ..Applicants.

Mr.A.M.Rajabally, Advocate for the Plaintiff.
Mr.K.N.Gaikwad for the B.M.C. - Defendant No.1.
Mr.A.S.Uraizee, Advocate for Defendant Nos.2 and 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH OCTOBER, 2004

P.C. :

The Applicant landlords seek to be impleaded as Defendants to the suit.

2. The Plaintiffs have filed the suit for damages and for an order directing the Defendant to reconstruct the premises in their occupation as tenants, allegedly wrongfully demolished.

3. The Chamber Summons is opposed on behalf of the Plaintiffs on the ground that the Applicants had consented to the Plaintiff putting up construction of various sorts.

4. That is a question on merits. There are serious disputes between the Plaintiff and the Applicants in this regard. The Applicants being impleaded can cause no prejudice to the Plaintiff. Their presence is necessary to ensure that no orders are passed behind their back as the same would obviously affect their rights qua the suit premises of which they are the owners. Further, this will also avoid multiplicity of proceedings.

5. In the circumstances, Chamber Summons is made absolute in terms of prayer (a).

6. Amendments to be carried out within two weeks.

7. The order is stayed for a period of two weeks to enable the Defendants to carry the matter higher.

Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court

Stenographer.